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In the

# Supreme Court of the United States

James L. Martin,

*Petitioner,*

*versus*

Pennsylvania State Real Estate Commission; Commonwealth Of Pennsylvania; Pa. Department Of State; Bureau Of Professional And Occupational Affairs; John Donnelly, Chairman Of The Pa. Real Estate Commission In 1981; Francis Mulcahy, Chairman Of The Pa. Real Estate Commission In 1983; Educational Testing Service, Inc.; Testing Agent For Pa. Commission; Edward Manwaring, Director Of The Ets Real Estate Licensing Exam Program; Justin M. Johnson, Chairman Of The Pa. Board; John W. English, Vice-Chairman Of The Pa. Board; Anthony S. Minisi, Board Member; Harold Rosenn, Board Member; Phares Wilson; Pennsylvania State Police; James Nicksic; Douglas K. Tobin; John Pachuta; Commonwealth Of Pa.; Pa. Dept. Of Transportation (Bureau Of Traffic Safety Operations); Polyclinic Medical Center; Supreme Court Of Pennsylvania; Robert N.C. Nix, Jr., Hon.; John P. Flaherty, Jr., Hon.; William D. Hutchinson, Hon.; Rolf Larson, Hon.; James T. Mcdermott, Hon.; Nicholas P. Papadakos, Hon.; Stephen A. Zappala, Hon.; Pennsylvania Board Of Law Examiners; Justin M. Johnson, Chairman Of The Pa. Board; John W. English, Vice-Chairman Of The Pa. Board; Anthony S. Minisi, Board Member; Harold Rosenn, Board Member Delaware Law School Of Widener University, Inc.; Anthony J. Santoro; Thomas Reed; Gary Munneke; John Landis; Pamelee M. Mcfarland; Polyclinic Medical Center; John D. Walmer; Philhaven Hospital; Rowland Shank, Chief Executive Officer Of Philhaven; Widener University School Of Law; Anthony J. Santoro; Edward C. Smith; Supreme Court Of Pennsylvania; Robert N.C. Nix, Jr., Hon.; John P. Flaherty, Jr., Hon; William D. Hutchinson, Hon.; Rolf Larson, Hon.; James T. Mcdermott, Hon.; Stephen A. Zappala, Hon.; Ralph J. Cappy, Hon.; Pa. Board Of Law Examiners; Justin M. Johnson, Chairman Of The Pa. Board; John W. English, Vice-Chairman Of The Pa. Board; Harold Rosenn; Michael E. Kunz, Clerk Of Court; Polyclinic Medical Center

*Respondents.*

**On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit**

## PETITION FOR A WRIT OF CERTIORARI

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32 pp

# QUESTIONS PRESENTED

Should a Motion to Reopen be granted to resolve the conflicts among the US Courts of Appeals where the petitioner has been admitted to practice law, in light of recently discovered evidence to prove that the notoriously corrupt PA State Supreme Court and its Board of Bar Examiners, through its attorney, intentionally misrepresented the petitioner's background in its ongoing efforts to undermine the petitioner's standing as an attorney previously admitted to practice before all the US Courts of Appeals?

Should all further action against these respondents be prospectively enjoined in light of the recent, factual disclosures about their outrageous lies, and of the continuing orders from various US Courts of Appeals directed to the petitioner, to document the truth about his standing as an attorney?

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The Circuit and District Court opinions are found at 5a and 10a respectively and are unreported.

## STATEMENT OF THIS COURT'S JURISDICTION

The judgment sought to be reviewed was issued on 12-7-99, at Ex-1a to 4a, and the petition for rehearing, and for rehearing en banc, was denied on 1-14-00, at Ex-12a to 15a. To allow me time to file another motion to reopen based upon additional, recently discovered evidence, the period for seeking review was extended to 6-12-00. This Court's jurisdiction for review is at 28 USC Sec. 1254(1).

## RELEVANT RULES INVOLVED

F. R. Civ. P. 60(b):

> On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: . . . (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); . . ..

## STATEMENT OF THE CASE

Basis for federal jurisdiction in the court below. The Court of Appeals has jurisdiction pursuant to 28 USC Sec. 1291, for appeal from a final order.

Facts. Seven (7) cases have been consolidated in the proceedings below at my request, and they all arose in the E. District of PA, and all pertain to the same issue. I passed the PA Bar Exam in July 1983, and my name was correctly listed in the Public Ledger Building and was published in the 10-20-83 Philadelphia Inquirer as a successful bar applicant. My MBE score was properly transferred to NJ, where I also passed the bar exam, and earned a passing score on the bar exams in other states as well.

The 60(b) motion followed the factual disclosure to me on 10-21-97: The ex parte letter dated 7-14-84, written by Susan Anderson, former attorney for the respondent PA Board, was addressed to the National Conference of Bar Examiners, and it contains intentional misrepresentations from Anderson. The Boards of Law Examiners in other states interfered with my standing in various state bars as a successful candidate for bar admission, after I had earned a passing score on the exams, and, more recently, in numerous US Courts of Appeals bars, as well as in other courts where I have been admitted, like the US Tax Court and the US Court of International Trade.

According to the pre-printed "Authorization and Release" I signed on 5-23-83 as a condition to sit for the PA Bar Exam,

> I understand that I will not receive and am not entitled to a copy of the investigation or to know its contents, and I further understand that the contents are privileged.

The respondents used the "Authorization" to enjoin me from seeing my own file, but an interested member of the public accessed it in Maryland and faxed me a copy on 10-21-97. The MD Board of Law Examiners compiled a record about me that included the PA record in its entirety.

Anderson deliberately lied about conditions imposed prior to my passing the PA bar exam in July 1983: there were no conditions, contrary to her statement in paragraph one of the letter, which says:

> He did so [sit for the July 1983 bar examination] with the understanding that if it was later determined that he did not meet our character standards that his examination would be declared a nullity.

No such condition was ever imposed. The procedure as set forth in Rule 203, entitled "Admission of Graduates of Accredited Institutions," governed the procedure in July 1983 and reads in relevant part:

> (a) Bar examination--The general requirements for permission to sit for the bar examination are: * * * * * * * * *
> (3) Absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications (other than scholastic) imcompatible with the standards expected to be observed by members of the bar of this Commonwealth.

The first question Justin Johnson, Chairman of the Board of Law Examiners asked me at the hearing on 5-7-84 was:

> Mr. Martin, you are aware of the fact that this is a hearing to review your fitness to sit before the Pennsylvania Bar Examination; is that correct?

I responded that I had already passed the PA Bar Exam. Chairman Johnson turned to Anderson with a puzzled look. She nodded that I was correct. The court reporter did not

reference this non-verbal exchange. Johnson seemed surprised, but disregarded the rules governing bar admission in Pennsylvania, and disregarded my unblemished lifetime record to proceed with the scam anyway.

This scam is especially evident from Johnson's question to me during the "hearing" on 5-7-84:Johnson:

> Is there anything further which you want to bring to the Board's attention this morning?
>
> Martin: "I just wondered whether or not there is any possibility of having my scores released and [for] any of the other Board's of Law Examiners to use incident to their applications--the applications that I have pending before their Boards?
>
> Johnson: "The policy in Pennsylvania is that--I will have our secretary give you the policy, so that it is accurate.
>
> Ms. Anderson: "At the present time, Mr. Martin, your grades are held in abeyance until the Board makes a determination here. [A lie, because Anderson did understand that the PA Board had properly transferred my passing score to NJ, where I was formally sworn in to practice law on 4-2-84]. If the Board determines that you are not fit, the rest results from that exam, which I believe was July of 1983, become a nullity. So therefore, there would be no scores to release. If the Board determines that you are fit, then the results would be released, but no action can be taken until a decision is made as to this hearing."

The Anderson misrepresentations on 5-7-84 are not restricted to her lie about stipulations she claims to have reached with me prior to my passing the PA bar exam. She wrote,

> Mr. Martin, through an error in my office, learned the score which he had achieved on his M.B.E. The score was sufficient for him to have passed. Mr. Martin's statement to you that he passed the Pennsylvania bar exam is a present misstatement of fact and he is fully aware that it is.

If an error had been made in Anderson's office, I would have been notified about it. To this day, the respondent Board never directly notified me about any error in Anderson's office. I do have conclusive evidence that no such error ever occurred, but rather, the interference with my standing in the bar resulted from the respondents' deliberate sabotage of my career under the foolish and hollow guise of a clerical mistake they later alleged to have made when I was admitted to practice.

I learned that I passed the PA bar exam (and the Multi-State Bar Exam as well, for which I sat in Philadelphia) from the Thursday, Oct. 20, 1983 edition of the Philadelphia Inquirer, p. 10-B W, where my name and address appeared under this headline: "The names of the successful candidates are as follows: . . .." To this day, I never learned my exact score. I not only passed the PA bar exam, but I go beyond that statement illustrate that Anderson is a blatant liar, and that I have the continuing obligation to proceed, anew, against the PA Board and its members, in deference to various US Courts of Appeals, who issued orders to show cause about why I should not be disbarred from their courts on account of "mistakes" the notoriously corrupt PA state licensing authorities committed at my expense, and at the

expense of clients I was representing in various courts. Their lies are especially outrageous in view of my unblemished lifetime record.

The Anderson letter contains other lies in the final paragraph:

> Mr. Martin gave false information on his application for admission to Delaware Law School. He indicated that he had not been committed to an institution for mental illness when in fact he had. Even as of the day of our hearing, Mr. Martin would not admit that the information given to Delaware was false. Consequently, the Board found the applicant unfit.

Delaware Law School's Faculty Secretary, Edward C. Smith, issued an affidavit on 8-10-88, about four years after the Anderson letter to Morris at the National Conference of Bar Examiners, to verify that the letter from the Delaware Law School to the various Boards of Law Examiners "may be misleading, in creating the impression that Mr. Martin was a party to a judicial proceeding that resulted in his commitment to a mental institution. . . . No formal grievance had been filed against Mr. Martin." The court will recall from the dozens of prior certiorari petitions pertaining to these identical issues, that no informal grievance had been filed, either, and that the Grievance Committee had no jurisdiction over matters until a grievance was filed. Like the PA Board, the Committee's members completely disregarded the rules governing operations of the Grievance Committee, evident from a transcript of the tape recording I made of what the respondent Law School's Committee Chairman Kurtz later described to the Office for Civil Rights as an "interview," on 11-22-82.

For several years, recused and disqualified Delaware Federal Judge Joseph Farnan blocked my access to any and all discoverable materials, like my own tape recording, which I sent to Susan Anderson, who claimed to be interested in the issues created about me after I left Delaware Law School in 1982 for an internship at the US Department of Justice in the District of Columbia. The successor judges, who were also associated with the Delaware Law School, continued to enjoin any and all discovery. Farnan lied about his employment at the respondent Law School, and purported to preside over the federal cases in Delaware for six years, from his appointment in 1985 until his disqualification in 1991, when I coincidentally learned about his history; specifically, that he was a paid employee of the same Law School when the case arose, and that he had been hired by the same person who drafted the question, administratively ruled to be unlawful, that was being cited as a reason to destroy my career.

After the officials at the PA Board and the PA Supreme Court misrepresented the existence of the 11-22-82 tape recording, I hired a relative who lives close to the office for the PA Board in Mechanicsburg to physically go to their office and persist until a copy of the tape recording, and the transcript of the 5-7-84 hearing, were both released. It was not until 3-26-98 that I got a copy of the tape recording. Prior to that time, the PA Board's staff claimed the transcript was in the possession of Brufillo Associates, a court reporting service, and added many other deliberate lies at each stage of my detective work to locate the recording that their attorney, Anderson, had requested from me in 1983, and which I had given her with the express assurance that it would be promptly returned.

## REASONS THE WRIT SHOULD BE GRANTED

A. The conflicts among the US Courts of Appeals about this specific petitioner's standing as an attorney, as well as his standing in other courts, should be resolved as an alternative to allowing the conflicts to continue and to promote additional disputes about how an attorney with anunblemished lifetime record may be subject to frivolous and malicious "disciplinary" proceedings for "mistakes" corrupt judicial personnal claim to have made when he was admitted to practice law.

The US Courts of Appeals for the Second, Eighth, and Ninth Circuits have ignored the Third and the Federal Circuit's efforts to sabotage my career by summarily disbarring me, without notice, hearing, or cause. Both the Third and the Federal Circuits denied my requests for an evidentiary hearing where I was entitled to, but denied, the right to call any witnesses with direct, personal knowledge about this ongoing scam. I drafted a lengthy pre-hearing memorandum to set forth, verbatim, the intercepted phone conversations involving corrupt judicial personnel, who spoke without knowing they were being recorded, and the deliberately falsified, official transcript of testimony I gave in New Jersey. The transcript also contained fabrications about what a doctor's testimony was as well. I made a secret tape recording of the actual testimony, and an expert in sound recording verified the difference between what the corrupt judicial personnel attributed to me on the one hand, and what he actually heard when he listened to the tape recording on the other hand. The affidavit from the sound engineer is a part of the record in many of the cases now, and some Courts of Appeals, like the First and Seventh, are currently considering the record. All of the Courts of Appeals have an interested in these proceedings, because I was admitted to practice law in each one of them.

I subpoenaed witnesses known to me to have personal knowledge about the facts, but they moved to quash the subpoenas before a district court judge in Wilmington, Delaware, who granted their motion to quash without comment, even though the district court had no jurisdiction over the case: it was initiated at the behest of the First Circuit, which retained exclusive and original jurisdiction. Likewise, the US Court of International Trade initiated an inquiry into the facts surrounding the disappearance of my state law license, and there are ongoing proceedings concerning the same issue in various state and federal courts.

B. All further action against these respondents cannot be prospectively enjoined in light of the recent, factual disclosures about their outrageous lies, and of the continuing orders from various US Courts of Appeals directed to the petitioner, to document his standing as an attorney.

The district court judge issued a one-page order, at 14a, which says: "IT IS HEREBY ORDERED that Plaintiff James L. Martin is enjoined from filing or causing to be filed any further pleadings, motions, or petitions in the above-listed matter." The Third Circuit affirmed the decision, and referenced this part of the trial court's order as well. Ex-8a.

On 6-5-00, consistent with Justice Souter's order on my application, and with my obligation to various US Courts of Appeals, I filed another Motion to Reopen in these consolidated cases in the E. Dist. of PA. The most recent evidence is from a person I never met but, talked with by phone.

I was previously unaware of the scandal involving Robert King at Widener University School of Law, and of its spillover costs to me in 1982, but do recall at least two

occasions when I, and all the students enrolled in the day division at the Delaware campus of the law school, were dismissed with an emergency alarm, until security experts ensured the school's administrators that it was safe to re-enter. I recall that the concern was focussed on a dangerous student at that time, but at this point, because these respondents have been protected by doctrines of judicial immunity for so many years, I have no way to ascertain whether these security issues were the same as the one mentioned in MJD's statement. These respondents were responsible for patronizing Robert King, a felon, despite his wielding a gun and threatening a faculty member on the law school campus. While these goons were colluding to undermine my career, I was working at the US DOJ as a clinical intern, and was awarded a commendation outstanding enough to induce the scoundrels at the law school to destroy it without any sanctions, while liar Farnan, acting under color of federal judicial law, purported to preside over the proceedings, after a final administrative judgment was issued in my favor and against the respondents. The letter of reference was eventually recovered from the US DOJ under the FOIA, but the judges, in deference to their associates who are respondents here, casually ignored it.

The most recently disclosed evidence, which the Third Circuit is trying to suppress by prospectively enjoining me from filing anything against the parties to this case, says:

> The consensus among the panel members [on the "Grievance Committee" at the respondent Law School] was that Martin had done nothing wrong, . . ..

This information came from Robert Henry, through a student who also sued the Law School for discrimination based on a medical disability. Robert Henry was one of the three members on the law school's Committee who "interviewed"

me on 11-22-82. The Third Circuit appears to have a compelling motive to bury the sordid details surrounding one of the most extensive and prolonged series of cases ever brought before this court:

> According to Henry, the reason Martin's case was mishandled at Widener resulted from the prevailing countercurrents created with disclosures surrounding then Widener law student Robert King. King was related to Supreme Court Justice Black, had a criminal homicide record, but lied about it and was admitted to Widener to study law. King's family possessed considerable wealth/power. During his tenure as a law student, he threatened a faculty member with a gun, and the issue naturally arose about what sanctions should be imposed. The rules called for his expulsion, in view of his misrepresentations on his application for admission as well as his physical threat to a faculty member. Instead of carrying out the mandated expulsion of King, Widener considered the King case in a political light, and decided to avoid potential implications in view of the relationship between King and Justice Black. Therefore, Widener arranged for King to transfer to the University of Maryland School of Law to continue legal studies.
>
> These machinations surrounding the King case created an atmosphere with Widener's faculty of vindictiveness and of a jealous competition for special treatment in light of an obvious use of double standards. Some disagreed with and felt shame about how King was allowed to lie about such

> significant matters as his prior criminal record, his prior dismissal from another law school, but also his accosting a Widener faculty member with a gun. Other faculty hoped to curry favor by covering up the school's prior use of double standards; they established a pretense of extreme intolerance for unethical/unlawful behavior. These faculty therefore intended to impose severe sanctions on any future student suspected of lying on his application for admission, regardless of whether the question was a lawful one.

As more recently-discovered evidence comes to light despite the judicial efforts to block discovery of facts, this court's portrait of long-standing attorney James Lee Martin as a frivolous and notorious abuser of the certiorari process is increasingly exposed and debunked as hollow, if not preposterous and malicious.

## CONCLUSION

This certiorari petition should be granted to resolve the conflicts among the US Courts of Appeals, and among various other courts, about whether an attorney with an unblemished lifetime record may be summarily disbarred, without notice, evidentiary hearing, or cause, under the guise of a "mistake" that various judicial personnel, in collusion with private parties, allege to have made, notwithstanding contrary evidence, when the attorney was sworn in to practice law. These conflicts are best resolved with a mandate from this Court to reopen the consolidated cases, where all discovery against most of the respondents has been uniformly denied under frivolous arguments about judicial immunity, and where the limited discovery did result in an admission from the respondent PA state officials that the

neuropsychiatric reports they claimed to have about me were, and remain, non-existent.

DATED: June 12, 2000

BY:_____

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(Any footnotes trail end of each document)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 99-1168

JAMES L. MARTIN

v.

PENNSYLVANIA STATE REAL ESTATE COMMISSION; COMMONWEALTH OF PENNSYLVANIA; PA. DEPARTMENT OF STATE; BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS; JOHN DONNELLY, Chairman of the Pa. Real Estate Commission in 1981; FRANCIS MULCAHY, Chairman of the Pa. Real Estate Commission in 1983; EDUCATIONAL TESTING SERVICE, INC.; TESTING AGENT FOR PA. COMMISSION; EDWARD MANWARING, Director of the ETS Real Estate Licensing Exam Program;

JAMES L. MARTIN

v.

JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member;

JAMES L. MARTIN

v.

PHARES WILSON; PENNSYLVANIA STATE POLICE; JAMES NICKSIC; DOUGLAS K. TOBIN; JOHN PACHUTA; COMMONWEALTH OF PA.; PA. DEPT. OF TRANSPORTATION (Bureau of Traffic Safety Operations); POLYCLINIC MEDICAL CENTER

JAMES L. MARTIN

v.

SUPREME COURT OF PENNSYLVANIA; ROBERT N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON.; WILLIAM D. HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; NICHOLAS P. PAPADAKOS, HON.; STEPHEN A. ZAPPALA, HON.; PENNSYLVANIA BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member

JAMES L. MARTIN

v.

DELAWARE LAW SCHOOL OF WIDENER UNIVERSITY, INC.; ANTHONY J. SANTORO; THOMAS REED; GARY MUNNEKE; JOHN LANDIS; PAMELEE M. MCFARLAND; POLYCLINIC MEDICAL CENTER

IN RE: MARTIN, James Lee; JAMES L. MARTIN

v.

JOHN D. WALMER; PHILHAVEN HOSPITAL; ROWLAND SHANK, Chief Executive Officer of Philhaven; WIDENER UNIVERSITY SCHOOL OF LAW; ANTHONY

J. SANTORO; EDWARD C. SMITH; SUPREME COURT OF PENNSYLVANIA; ROBERT

N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON; WILLIAM D. HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; STEPHEN A. ZAPPALA, HON.; RALPH J. CAPPY, HON.; PA. BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; HAROLD ROSENN; MICHAEL E. KUNZ, Clerk of Court; POLYCLINIC MEDICAL CENTER

JUDGMENT

Submitted Under Third Circuit LAR 34.1(a)
December 3, 1999

December 7, 1999, Filed

On Appeal from the United States District Court for the Eastern District of Pennsylvania. (D.C. Civ. No. 85-cv-02349), (D.C. Civ. No. 86-cv-01363), (D.C. Civ. No. 88-cv-02300), (D.C. Civ. No. 88-cv-02351), (D.C. Civ. No. 88-cv-03420), (D.C. Misc. No. 89-mc-00207), (D.C. Civ. No. 90-cv-02752). District Judge: Honorable Clifford Scott Green.

**JUDGES:**
BEFORE: SCIRICA, ALDISERT and WEIS, Circuit Judges

This case came to be heard on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now here

ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered December 4, 1998, be and the same is hereby affirmed. All of the above in

accordance with the opinion of this Court.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 99-1168

JAMES L. MARTIN

v.

PENNSYLVANIA STATE REAL ESTATE COMMISSION; COMMONWEALTH OF PENNSYLVANIA; PA. DEPARTMENT OF STATE; BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS; JOHN DONNELLY, Chairman of the Pa. Real Estate Commission in 1981; FRANCIS MULCAHY, Chairman of the Pa. Real Estate Commission in 1983; EDUCATIONAL TESTING SERVICE, INC.; TESTING AGENT FOR PA. COMMISSION; EDWARD MANWARING, Director of the ETS Real Estate Licensing Exam Program;

JAMES L. MARTIN

v.

JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member;

JAMES L. MARTIN

v.

PHARES WILSON; PENNSYLVANIA STATE POLICE; JAMES NICKSIC; DOUGLAS K. TOBIN; JOHN PACHUTA; COMMONWEALTH OF PA.; PA. DEPT. OF

TRANSPORTATION (Bureau of Traffic Safety Operations); POLYCLINIC MEDICAL CENTER

JAMES L. MARTIN

v.

SUPREME COURT OF PENNSYLVANIA; ROBERT N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON.; WILLIAM D. HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; NICHOLAS P. PAPADAKOS, HON.; STEPHEN A. ZAPPALA, HON.; PENNSYLVANIA BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member

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DELAWARE LAW SCHOOL OF WIDENER UNIVERSITY, INC.; ANTHONY J. SANTORO; THOMAS REED; GARY MUNNEKE; JOHN LANDIS; PAMELEE M. MCFARLAND; POLYCLINIC MEDICAL CENTER

IN RE: MARTIN, James Lee; JAMES L. MARTIN

v.

JOHN D. WALMER; PHILHAVEN HOSPITAL; ROWLAND SHANK, Chief Executive Officer of Philhaven; WIDENER UNIVERSITY SCHOOL OF LAW; ANTHONY J. SANTORO; EDWARD C. SMITH; SUPREME COURT OF PENNSYLVANIA; ROBERT N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON; WILLIAM D.

HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; STEPHEN A. ZAPPALA, HON.; RALPH J. CAPPY, HON.; PA. BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; HAROLD ROSENN; MICHAEL E. KUNZ, Clerk of Court; POLYCLINIC MEDICAL CENTER

Submitted Under Third Circuit LAR 34.1(a)
December 3, 1999

December 7, 1999, Filed

On Appeal from the United States District Court for the Eastern District of Pennsylvania. (D.C. Civ. No. 85-cv-02349), (D.C. Civ. No. 86-cv-01363), (D.C. Civ. No. 88-cv-02300), (D.C. Civ. No. 88-cv-02351), (D.C. Civ. No. 88-cv-03420), (D.C. Misc. No. 89-mc-00207), (D.C. Civ. No. 90-cv-02752). District Judge: Honorable Clifford Scott Green.

**JUDGES:**
BEFORE: SCIRICA, ALDISERT and WEIS, Circuit Judges

OPINION

PER CURIAM.

James L. Martin appeals from the District Court's order denying his motion for relief from judgment under Fed. R.. Civ. P. 60(b)(2). Martin has also filed a motion for summary reversal of the District Court's order, as well as a motion to recuse most of the judges of this Court. For the reasons that follow, we will affirm the District Court's order and will deny Martin's motions,

Between the years 1985 arid 1990, Martin filed in the

District Court six complaints against many defendants arising from the Pennsylvania Supreme Court's refusal to admit Martin to the Pennsylvania Bar. He also filed a petition for writ of mandamus seeking an order directing the Clerk of the District Court to admit him to practice before that court. Each of the District Court cases was decided adversely to Martin several years ago. We affirmed in the six cases in which Martin filed a notice of appeal.

Since then, Martin has repeatedly attempted to reopen his consolidated cases. The current appeal stems from Martin's most recent attempt, when on October 16, 1998, he filed in the District Court a motion for relief from judgment based on Fed. R. Civ. P. 60(b)(2). The District Court denied the motion and enjoined Martin from filing any further pleadings, motions, or petitions in these consolidated cases, We will affirm.

The District Court did not abuse its discretion in denying Martin's Rule 60(b)(2) motion. See United States v.27.93 Acres of Land, 924 *F.2d* 506, 516 (3d Cir. 1991)(stating that denial of Rule 60(b)(2) motion is reviewed for abuse of discretion).

In fact, the District Court lacked the authority to grant his motion because it was untimely filed. A Rule 60(b)(2) motion, based on newly-discovered evidence, must be filed "not more than one year" after the judgment was entered. Fed. R. Civ. P. 60(b); National Passenger R.R. Corp. v. Maylie 910 F.2d 1181, 1183 (3d Cir. 1990). The District Court decided Martin's cases and denied his motions for reconsideration years ago.

Accordingly, we will affirm the District Court's order denying Martin's untimely Rule 60(b)(2) motion We will deny as moot Martin's motion for summary reversal, and will deny his motion requesting the recusal of our colleagues who

have not participated in this appeal.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | |
|---|---|
| James L. Martin, | CIVIL ACTION |
| Plaintiff, | Nos. 90-2752 |
| | 89-0207 |
| v. | 88-3240 |
| | 88-2300 |
| John D. Walmer, et, al., | 88-2351 |
| | 86-1363 |
| Defendants. | 85-2349 |

Filed 12/4/98

AND NOW, this 17th day of *December* 1998, it appearing that Plaintiff has

said motions having been denied, and

it further appearing that Plaintiff's appeals of such have also been denied by the Court of Appeals for the Third Circuit and that Plaintiff has been given every fair opportunity to challenge the final decisions in these matters,

IT IS HEREBY ORDERED that Plaintiff James L. Martin is enjoined from filing or causing to be filed any further pleadings, motions or petitions in the above-listed matters.

IT IS FURTHER ORDERED that as Plaintiff has not presented any new evidence supporting an assertion that this court has subject matter jurisdiction over his claims, Plaintiff's Motion to Reopen is DENIED.[1]

Footnotes

[1]See Martin v. Walmer, et al, (1990 U.S. Dist. Lexis 13285 (E.D. PA Sept. 26,1990); Id., No. 90-CV-2752 (E.D. PA May 14, 1997), Id., No. 90-CV-2752 (E.D. PA June 20, 1997).

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 99-1168

JAMES L. MARTIN

v.

PENNSYLVANIA STATE REAL ESTATE COMMISSION; COMMONWEALTH OF PENNSYLVANIA; PA. DEPARTMENT OF STATE; BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS; JOHN DONNELLY, Chairman of the Pa. Real Estate Commission in 1981; FRANCIS MULCAHY, Chairman of the Pa. Real Estate Commission in 1983; EDUCATIONAL TESTING SERVICE, INC.; TESTING AGENT FOR PA. COMMISSION; EDWARD MANWARING, Director of the ETS Real Estate Licensing Exam Program;

JAMES L. MARTIN

v.

JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member;

JAMES L. MARTIN

v.

PHARES WILSON; PENNSYLVANIA STATE POLICE; JAMES NICKSIC; DOUGLAS K. TOBIN; JOHN PACHUTA; COMMONWEALTH OF PA.; PA. DEPT. OF

TRANSPORTATION (Bureau of Traffic Safety Operations); POLYCLINIC MEDICAL CENTER

JAMES L. MARTIN

v.

SUPREME COURT OF PENNSYLVANIA; ROBERT N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON.; WILLIAM D. HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; NICHOLAS P. PAPADAKOS, HON.; STEPHEN A. ZAPPALA, HON.; PENNSYLVANIA BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; ANTHONY S. MINISI, Board Member; HAROLD ROSENN, Board Member

JAMES L. MARTIN

v.

DELAWARE LAW SCHOOL OF WIDENER UNIVERSITY, INC.; ANTHONY J. SANTORO; THOMAS REED; GARY MUNNEKE; JOHN LANDIS; PAMELEE M. MCFARLAND; POLYCLINIC MEDICAL CENTER

IN RE: MARTIN, James Lee; JAMES L. MARTIN

v.

JOHN D. WALMER; PHILHAVEN HOSPITAL; ROWLAND SHANK, Chief Executive Officer of Philhaven; WIDENER UNIVERSITY SCHOOL OF LAW; ANTHONY J. SANTORO; EDWARD C. SMITH; SUPREME COURT OF PENNSYLVANIA; ROBERT

N.C. NIX, JR., HON.; JOHN P. FLAHERTY, JR., HON; WILLIAM D. HUTCHINSON, HON.; ROLF LARSON, HON.; JAMES T. MCDERMOTT, HON.; STEPHEN A. ZAPPALA, HON.; RALPH J. CAPPY, HON.; PA. BOARD OF LAW EXAMINERS; JUSTIN M. JOHNSON, Chairman of the Pa. Board; JOHN W. ENGLISH, Vice-Chairman of the Pa. Board; HAROLD ROSENN; MICHAEL E. KUNZ, Clerk of Court; POLYCLINIC MEDICAL CENTER

January 14, 2000 Filed

On Appeal from the United States District Court for the Eastern District of Pennsylvania. (D.C. Civ. No. 85-cv-02349), (D.C. Civ. No. 86-cv-01363), (D.C. Civ. No. 88-cv-02300), (D.C. Civ. No. 88-cv-02351), (D.C. Civ. No. 88-cv-03420), (D.C. Misc. No. 89-mc-00207), (D.C. Civ. No. 90-cv-02752). District Judge: Honorable Clifford Scott Green.

**JUDGES:**
BEFORE: SCIRICA, ALDISERT* and WEIS*, Circuit Judges

SUR PETITION FOR REHEARING

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court in banc, is denied.

BY THE COURT,

Footnotes

*As to panel rehearing only.